

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Madjid Berd, et. al.,)	
)	
Plaintiffs,)	ORDER
)	
vs.)	
)	
Paul De Bastos,)	Case No. 1:16-cv-339
)	
Defendant.)	

On March 18, 2019, the court granted in part Plaintiff's Motion to Compel Discovery. See Doc. No. 48. In so doing it directed Defendant Paul De Bastos ("De Bastos") to file proper responses to Plaintiffs' production requests and answer several of Plaintiffs' interrogatories by April 19, 2019. De Bastos failed to comply with the court's March 18, 2019, order. On May 24, 2019, the court held a status conference with the parties.

On August 15, 2019, Plaintiffs filed a Motion for Sanctions pursuant to Fed. R. Civ. P. 37 See Doc. No. 54. They represented that although De Bastos had complied with some aspects of the court's March 18, 2019 order, he had neither produced any documents responsive to their requests for production nor responded to their emails. They requested the court to sanction De Bastos by, among other things, entering default judgment against him and assessing him the costs and attorney's fees incurred they had on account of his discovery failures.

On March 5, 2020, the court issued an order granting plaintiffs' Motion for Sanctions. (Doc. No. 68). The order provided:

1. Default judgment be entered against De Bastos upon a motion by the Plaintiffs detailing damages, which are a sum certain or can be made certain by computation.

2. De Bastos is to pay costs and reasonable attorney's fees associated with the Defendant's discovery failures, including the costs to prepare the motion for sanctions.
3. The Plaintiffs are directed to submit billing statements evidencing their costs and attorney's fees associated with the Defendant's discovery failures by April 1, 2020, for the Court's consideration.

(Id.).

On April 1, 2020, Plaintiffs filed a notice of their costs and attorney's fees associated with De Bastos's discovery failures. (Doc. No. 66). On April 7, 2020, the court cancelled the final pretrial conference and jury trial respectively scheduled for April 13 and 27, 2020.

On June 15, 2020, the court issued an order granting Plaintiffs their costs and attorney's fees associated with De Bastos' discovery failure. (Doc. No. 68). More than eight months have since lapsed. In the absence of a motion for default judgment, the court is preliminarily inclined to reschedule this matter for trial. However, before doing do, the court will give Plaintiffs an opportunity provide their input on how it should proceed. Accordingly, Plaintiffs shall have until March 26, 2021, to file a report updating the court on the status of this action and how it wishes to proceed.

IT IS SO ORDERED.

Dated this 11th day of March, 2021.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court